

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JUST FUNKY, LLC,)	Case No. 5:21-cv-01127-SL
)	
Plaintiff,)	
)	
v.)	Judge Sara Lioi
)	
BOOM TRENDZ, LLC, MELISSA)	MOTION FOR LEAVE TO FILE
CARPENTER, and DEEPAK TYAGI,)	CONFIDENTIAL DOCUMENTS
)	UNDER SEAL
Defendants.)	
)	

Pursuant to Local Rule 5.2, Plaintiff Just Funky, LLC (“Plaintiff”) hereby moves the Court for an Order allowing it to file under seal Exhibits E through J to the Declaration of Rajnish Arora (“Arora Declaration”) relied upon in support of its Memorandum in Opposition to Deepak Tyagi’s (“Tyagi”) Motion to Dismiss. As grounds for this Motion, Plaintiff states that certain information contained in the proposed exhibits is confidential and subject to right to privacy, and/or is protected as commercially sensitive under state law.

This action is brought by Plaintiff for temporary and permanent injunctive relief, as well as monetary damages and legal fees associated with the efforts of Defendants to misappropriate proprietary and confidential business information and trade secrets of Plaintiff in order to unfairly compete against Plaintiff in violation of certain restrictive covenant agreements in the product licensing and private label merchandise industries.

Exhibits E through J to the Arora Declaration contains *prima facie* trade secrets of Plaintiff, making them protectable under Ohio Rev. Code § 1333.65 (authorizing a court to “preserve the secrecy of an alleged trade secret by...[among other things] sealing the records of an action”). In addition to details regarding Plaintiff’s business costs and product lines, Exhibits E through J contain specific references to its vendor contact information, which has been

carefully curated over the course of many years through significant expense and effort, which Plaintiff has taken reasonable steps to protect the non-public nature thereof, and which are, in part, the subject of this dispute.

In light of the pendency of Plaintiff's filing (in opposition to Tyagi's dispositive motion), Plaintiff believes it is prudent for these documents to be sealed in an abundance of caution, subject to further analysis by the Court and counsel for both parties, if necessary. Accordingly, Plaintiff is requesting sealing of Exhibits E through J to the Arora Declaration, which it will promptly provide to chambers *in camera* upon request. In the interim, Plaintiff has filed redacted copies of these documents.

WHEREFORE, for the reasons stated above, Plaintiff requests this Court to issue a sealing order and authorize the filing of Exhibits E through J to the Arora Declaration under seal. A proposed Order granting this Motion is attached for the Court's convenience.

Respectfully submitted,

/s/ Kristen-Elise F. DePizzo

KRISTEN-ELISE F. DEPIZZO (0098531)

ADAM E. PRIMM (0086375)

DANIEL CIANCHETTA (0089736)

BENESCH, FRIEDLANDER,

COPLAN & ARONOFF LLP

200 Public Square, Suite 2300

Cleveland, OH 44114-2378

Tel: (216) 363-4500

Fax: (216) 363-4588

E-Mail: kdepizzo@beneschlaw.com

aprimm@beneschlaw.com

dcianchetta@beneschlaw.com

Attorneys for Plaintiff Just Funky, LLC

CERTIFICATE OF SERVICE

I hereby certify, the foregoing was filed electronically in accordance with the Court's Electronic Filing Guidelines on October 1, 2021, which will provide notice to the following:

Eric T. Michener
Kimberly Lanae Hall
Critchfield, Critchfield & Johnston, Ltd.
225 North Market Street
P.O. Box 599
Wooster, OH 44691
T: 330-264-4444
F: 330-263-9278
E: khall@ccj.com
michener@ccj.com

Attorneys for Boom Trendz, LLC and Melissa Carpenter

Carrie J. Dyer
Mansell Law, LLC
1457 South High Street
Columbus, OH 43207
T: 614-610-9899
F: 614-547-3614
E: carrie@manselllawllc.com

Attorney for Deepak Tyagi

/s/ Kristen-Elise F. DePizzo

Kristen-Elise F. DePizzo